

DRAFT OF MINUTES

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED
INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS
(APELSCIDLA BOARD)**

LAND SURVEYOR

INFORMAL FACT-FINDING CONFERENCES

SEPTEMBER 22, 2003 (1:30 p.m.)

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Doyle B. Allen, Board Member, Presided. No other Board members were present.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case

C=Complainant/Claimant
R=Respondent/Regulant
I=Investigator

Participants


- | | | |
|----|--|--------------------------------|
| 1. | J.A. Braddock Smith
File Number 2002-03361 (Disc)
No Decision Made | Smith – R
Wayne Mozingo – I |
| 2. | Monroe Grayson Chew, IV
File Number 2002-02786 (Disc) | Dave Leske – C |
| 3. | Monroe Grayson Chew, IV
File Number 2002-00282 (Disc) | None |

The meeting adjourned at 5:15 p.m.

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects



Richard N. Davenport, Chairman



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS,
CERTIFIED INTERIOR DESIGNERS AND
LANDSCAPE ARCHITECTS**

**RE: MONROE G. CHEW, IV, T/A ATLANTIC COAST SURVEYS
LICENSE NUMBER: 0403-001027**

FILE NUMBER: 2002-02786

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on September 22, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Monroe Grayson Chew, IV on August 19, 2003. The following individuals participated at the conference: David Leske, Complainant; Douglas W. Schroder, Staff Member; and Doyle B. Allen, presiding Board

Member. Monroe Grayson Chew, IV, the Respondent, nor anyone on his behalf, attended the IFF.

Summation of Facts

1. March 12, 2002, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complainant from Dave Leske (Leske) regarding a contract entered into with Monroe G. Chew, IV. (Chew), t/a Atlantic Coast Surveys.
2. On July 8, 2001, Leske accepted a contract dated June 22, 2001, which was prepared and submitted by Chew on behalf of Atlantic Coast Surveys. Chew agreed to survey and prepare a plat of survey for Starlings Island, Accomack County, Virginia, in the amount of \$5,100.00.
3. On July 9, 2001, Leske paid Atlantic Coast Surveys a \$2,600.00 retainer.
4. The contract provided that Atlantic Coast Surveys, under the direct supervision of Chew, would start the survey within seven (7) days of receiving the \$2,600.00 retainer and complete all of the work associated with the contract within forty-five (45) days of the start time. Upon the completion of the work and receipt of the plat, Leske agreed to pay the balance due of \$2,500.00.
5. On or about early August 2001, Leske visited Starlings Island and observed ribbons and stakes in the ground, indicating that Chew had started the work. Leske contacted Chew by telephone to ask when he could expect to receive the plat for the island. Chew told Leske that the fieldwork was complete and it would be few weeks before the plat would be ready.
6. In late August 2001, Leske contacted Chew to determine when he could expect to receive the plat of survey for Starlings Island. Chew told Leske he would send the plat in a few days.
7. Several weeks later, Leske again contacted Chew by telephone. Chew assured Leske he would send the plat within a week.
8. On November 4, 2001, Leske traveled to Chew's home, located at 319 North First Street, Crisfield, Maryland. Chew told Leske that the plat of survey for Starling Island would be delivered on November 7, 2001.
9. On January 2, 2002, Leske sent a certified letter to Chew at 400 West Main Street, Crisfield, Maryland, demanding that the plat be received at his residence no later than 5:00 p.m. on January 22, 2002. The letter was received and signed for by Chew.
10. As of September 22, 2003, Chew has not sent Leske the plat of survey Starling Island and/or returned the \$2,600.00 retainer.

11. On or about April 2, 2002, the Board's agent, Michael Lewis (Investigator Lewis), told Chew he was sending him a copy of Leske's complaint and was requesting a written response.
12. On or about April 2, 2002, Investigator Lewis mailed a letter to Chew, requesting a written response to Leske's complaint. Investigator Lewis also requested that Chew provide all documentation concerning his transaction with Leske, to include the survey of Starling Island. The letter was mailed to 400 West Main Street, Crisfield, Maryland, which was the address listed on the complaint form submitted by Leske. The address of 400 West Main Street, Crisfield, Maryland, also appears at the top of the subject contract. The letter was not returned and Chew did not respond to Investigator Lewis' request.
13. On or about August 23, 2002, the Board's agent, C. Richard Gage (Investigator Gage), telephoned Chew's home. Chew answered the telephone and told Gage that he received Lewis' letter and did not respond as requested.
14. On or about February 28, 2003, Investigator Dorner mailed Chew a certified letter to Chew's address of record, 319 North First Street, Crisfield, Maryland 21817. The letter requested that Chew respond to Leske's complaint by March 14, 2003, and supply supporting documentation.
15. On or about March 3, 2003, the United States Postal Service delivered Investigator Dorner's request letter to 400 West Main Street, Crisfield, Maryland 21817, which Chew signed the return receipt accepting delivery.
16. Chew did not reply to Investigator Dorner's request.
17. The subject contract submitted by Chew contains the following assertion in the letterhead:

"Atlantic Coast Surveys; Surveyors, Planners, Engineers; Monroe G. Chew 4th, President; License No. MD PPLS 21, VA RLS 1027."
18. Page two of the contract contains the following assertions: *"Atlantic Coast Surveys Hourly Rate for extras, Registered Professional Engineer, \$75.00/hr."*
19. On or about March 20, 2003, the records for the Board reflect that Chew is a licensed Land Surveyor and does not hold a certificate as a professional engineer. The Board's records do not reflect a licensed engineer registered at Chew's office.
20. During the IFF, Leske testified that he had heard that Chew had relocated to Florida.

Conclusion and Recommendation

Count 1: 18 VAC 10-20-790(A)(3) (Effective December 1, 1999)

Chew is guilty of professional incompetence or negligence in violation of 18 VAC 10-20-790(A)(3). Therefore, I recommend that a monetary penalty of \$2,500.00 be imposed for a violation of this regulation.

Count 2: 18 VAC 10-20-740(C) (Effective December 1, 2003)

Chew failed, upon request or demand, to produce to the board, or any of its agents, any plan, document, book, record or copy thereof in his possession concerning a transaction covered by this chapter, and failed to cooperate in the investigation of a complaint filed with the board against a licensee or certificate holder, in violation of 18 VAC 10-20-740(C).

I therefore recommend that a monetary penalty of \$2,500.00 be imposed for a violation of this regulation.

Count 3: 18 VAC 10-20-770 (Effective December 1, 1999)

Chew's use of a letterhead, not in compliance with 18 VAC 10-20-770, is a violation. Therefore, I recommend that a monetary penalty of \$2,500.00 be imposed for a violation of this regulation.

Additionally, I would ask that staff report these findings (for counts 1-3) to the appropriate boards in both Maryland and Florida, and any other appropriate authorities.

By: _____

Doyle B. Allen
Presiding IFF Board Member

Board for Architects, Professional
Engineers, Land Surveyors, Certified
Interior Designers and Landscape
Architects

Date: September 22, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN

THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 0403-001027 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS,
CERTIFIED INTERIOR DESIGNERS AND
LANDSCAPE ARCHITECTS**

**RE: MONROE G. CHEW, IV, T/A ATLANTIC COAST SURVEYS
LICENSE NUMBER: 0403-001027**

FILE NUMBER: 2002-00282

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on September 22, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Monroe Grayson Chew, IV on August 19, 2003. The following individuals participated at the conference: Douglas W. Schroder, Staff Member; and Doyle B. Allen, presiding Board Member. Monroe Grayson Chew, IV, the Respondent, nor anyone on his behalf, attended the IFF.

Summation of Facts

1. On or about July 26, 2001, the Enforcement Division of the Department of Professional and Occupational Regulation (DPOR) received a written complaint from Joseph A. Nycz (Nycz) through his attorney, J. Nicholas Klein, III (Klein).
2. On or about March 22, 2001, Nycz contacted Monroe G. Chew, IV, (Chew) to survey and prepare a paper plat with an elevation certificate of Nycz's property located at Section 4, Lot 19 in Schooner Bay near Onancock, Virginia.
3. On or about March 23, 2001, Chew showed up at Nycz's property to set some markers. At that time, Nycz gave Chew a check in the amount of \$450.00, which was made payable to Atlantic Coast Surveys.
4. Nycz called Chew on several occasions and was assured by Chew that the paper plat, along with an elevation certificate, was in the mail.

Between March 23, 2001, and June 28, 2001, Nycz spoke to Chew over the telephone on several occasions in reference to not having received the plat and elevation certificate. Each time, Chew assured Nycz that the plat and elevation certificate were in the mail. Nycz did not receive the plat and elevation certificate, as promised.

5. On or about June 28, 2001, Klein, on behalf of Nycz, sent Chew a letter advising Chew that he was paid \$450.00, but Nycz had not received a survey on paper or the elevation certificate. Klein gave Chew fifteen days to respond.

6. As of February 4, 2002, Chew had not sent Nycz the paper plat with an elevation certificate and/or returned the \$450.00.

7. On or about August 10, 2001, the Board's agent, Investigator C. Richard Gage (Investigator Gage), mailed a letter and a copy of Nycz's complaint to the office of Monroe G. Chew, IV, Land Surveyor; 400 West Main Street (the office of Atlantic Coast Surveys), Crisfield, Maryland 21817. The letter requested that Chew send a written response to the allegations by no later than August 31, 2001. The letter was not returned and Chew did not respond as requested by Investigator Gage.

8. On or about September 19, 2001, Investigator Gage telephoned Chew's office, (410) 968-0255, and left a message on Chew's voice mail for him to call Investigator Gage. Chew did not return Investigator Gage's call.

9. On or about December 4, 2001, Investigator Gage telephoned Chew's office, (410) 968-0255, and left a message on Chew's voice mail for him to call Investigator Gage. Chew did not return Investigator Gage's call.

10. On or about February 4, 2002, Investigator Gage telephoned Chew's office, (410) 968-0255, and left a message on Chew's voice mail for him to call Investigator Gage. Chew did not return Investigator Gage's call.

11. On or about February 4, 2002, Investigator Gage telephoned Chew's home, (410) 968-0071, and spoke to Chew. Chew told Investigator Gage that he received the letter, but it slipped his mind to respond as requested. Chew assured Investigator Gage that he would send a written response to the allegations made by Nycz, by February 5, 2002. No response was received from Chew.

12. On or about February 28, 2003, the Board's agent, Investigator David C. Dorner (Investigator Dorner), mailed a certified letter and a copy of Nycz's complaint to Chew at the Board's address of record, 319 North First Street, Crisfield, Maryland 21817. Investigator Dorner requested that Chew respond to Nycz's complaint by March 14, 2003. The letter was delivered to Chew on March 3, 2003, at 400 West Main Street, Crisfield, Maryland 21817. Chew signed the return receipt acknowledging delivery.

13. As of April 21, 2003, Chew has not reply to Investigator Dorner's request.

14. In addition, it is noted that Chew failed to appear at the IFF.

Conclusion and Recommendation

Count 1: 18 VAC 10-20-790(A)(3) (Effective Date December 1, 1999)

Chew is guilty of professional incompetence or negligence in violation of 18 VAC 10-20-790(A)(3). Therefore, I recommend that Chew's license be revoked.

Count 2: 18 VAC 10-20-740(C) (Effective December 1, 1999)

Chew failed, upon request or demand, to produce to the board, or any of its agents, any plan, document, book, record or copy thereof in his possession concerning a transaction covered by this chapter, and failed to cooperate in the investigation of a complaint filed with the board against a licensee or certificate holder, in violation of 18 VAC 10-20-740(C).

Therefore, I recommend that a monetary penalty of \$2,500.00 be imposed for a violation of this regulation.

Additionally, I would ask that staff report these findings (for counts 1-2) to the appropriate boards in both Maryland and Florida, and any other appropriate authorities.

By: _____

Doyle B. Allen
Presiding IFF Board Member

Board for Architects, Professional
Engineers, Land Surveyors, Certified
Interior Designers and Landscape
Architects

Date: September 22, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 0403-001027 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.